

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:01-CR-95-F-1

UNITED STATES OF AMERICA

vs.

KEVIN L. FARMER,

Defendant.

ORDER

This matter is before the court *sua sponte*. On August 2, 2016, Defendant appeared before the court for resentencing following Defendant's successful collateral attack of his December 11, 2001 Judgment ("Judgment") pursuant to 28 U.S.C. § 2255. During the hearing, Defense counsel orally moved for the suspension of the balance of the \$14,000 fine imposed during Defendant's original sentencing, *see* Judgment at 5 [DE 12], and the court allowed the motion. In announcing Defendant's sentence, however, the court erroneously stated the fine was waived – an error repeated by the court in the amended judgment. Accordingly, the court finds that amending the amended judgment is necessary to correct a clerical error. *See* FED. R. CRIM. P. 36.

For the foregoing reasons, the Clerk of Court is DIRECTED to amend the Amended Judgment [DE 62] to reflect that the balance of the \$14,000 fine is suspended.

SO ORDERED.

This the 4th day of August, 2016.



JAMES C. FOX
Senior United States District Judge